



Memorandum

TO: Rina Shah
Planning Department

FROM: Ofc. Hieu Huynh #4487
San Jose Police Vice Unit

SUBJECT: CP22-004
Eataly

DATE: March 22, 2022

Approved

Date

I have received your request for input regarding the proposed Eataly, located at 2855 Stevens Creek Blvd in San Jose. Eataly is seeking a Conditional Use Permit to allow off-sale alcohol along with other ABC licenses.

Per Business and Professions (B&P) Code Section 23958, the State of California Department of Alcohol Beverage Control shall deny an ABC Application for an ABC License if the issuance of that license would tend to create a law enforcement problem or if it would result in or add to an undue concentration of ABC Licenses, as described in B&P Sections 23958.4 (a)(1) and 23958.4(a)(3). A location can be unduly concentrated because of its criminal statistics and/or its proximity to other ABC Licenses. ABC can issue the license per B&P Sections 23958.4 (b)(1), and 23958.4 (b)(2) if the local governing body determines that the public convenience or necessity would be served. The City of San Jose Planning Department and the Planning Commission are the delegated authorities to grant these exceptions.

2855 Stevens Creek Blvd is located in San Jose Police Beat F2. The reported crime statistics as defined by B&P Section 23958.4(c) **are** over the 20% crime index thus the location **is** considered unduly concentrated per B&P Section 23958.4 (a)(1) for on sale establishments.

Police Beat Crime Statistics

Beat	Index Crimes	Arrests	Total	20% Above Average
F2	684	64	748	Yes
City Average	298	119	417	

Department of Alcohol Beverage Control (ABC) records indicate that 2855 Stevens Creek Boulevard is in census tract 5058.00. Pursuant to B&P Section 23958.4 (a)(3), the ratio of off-sale retail licenses population in census tract 5058.00 **does** exceed the ratio of off-sale retail licenses to population in the county in which the applicant premises are located if approved.

Authorized and Current ABC Licenses in Census Tract

Census Tract	Authorized ABC Licenses		Current ABC Licenses		Unduly Concentrated	
	On - Sale	Off - Sale	On - Sale	Off – Sale	On - Sale	Off – Sale
5058.00	7	2	20	2	YES	YES

After careful review, the San Jose Police Department believes that the security plan provided by Eataly will nullify potential problems arises if this Conditional Use Permit is approved.

The San Jose Police Department is **neutral** to the proposed Eataly's Conditional Use endorsement for off-sale alcohol along with other ABC licenses.

Please feel free to contact me at (408) 277-4322 if you have any questions.

Ofc. Hieu Huynh #4487
San Jose Police Department
Special Investigations/Vice Unit